

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE

JASON REED, individually and  
on behalf of all those  
similarly situated,

Plaintiff,

v.

EMPIRE AUTO PARTS, INC., et  
al.,

Defendants.

Civil No. 13-5220 (RMB/AMD)

**SCHEDULING ORDER**

This Scheduling Order confirms the directives given to counsel at the scheduling conference pursuant to Rule 16, Federal Rules of Civil Procedure on December 18, 2013; and the Court noting the following appearances: Matthew D. Miller, Esquire, appearing on behalf of the plaintiff; and Richard L. Hertzberg, Esquire, appearing on behalf of the defendant; and good cause appearing for the entry of the within Order:

IT IS on this **18th** day of **December 2013**, hereby  
**ORDERED:**

1. The parties shall make FED. R. CIV. P. 26(a) disclosures on or before **January 10, 2014**.

2. Initial written discovery requests shall be served by **January 17, 2014**. Any responses, answers, and objections to initial written discovery requests shall be served in accordance with Court Rules.

3. The Court will conduct a telephone status conference on **March 5, 2014 at 11:30 A.M.**. Counsel for plaintiff shall initiate the telephone call.

4. The time within which to file a motion to amend the pleadings or a motion to join new parties will expire on **March 31, 2014**.

5. Class discovery shall be completed by **April 17, 2014**.

6. **Depositions**. All depositions are to be conducted in accordance with the procedures set forth in the order of Judge Gawthrop, in *Hall v. Clifton Precision*, 150 F.R.D. 525 (E.D. Pa. 1993).

7. All expert reports and expert disclosures pursuant to FED. R. CIV. P. 26(a)(2) on behalf of plaintiff concerning class certification shall be served upon counsel for defendant not later than **May 16, 2014**. All expert reports and expert disclosures pursuant to FED. R. CIV. P. 26(a)(2) on behalf of defendant concerning class certification shall be served upon counsel for plaintiff not later than **June 17, 2014**. Each such report should be accompanied by the *curriculum vitae* of the proposed expert witness. No expert opinion testimony shall be admitted at trial with respect to any witness for whom this procedure has not been timely followed. Depositions of proposed expert witnesses shall be concluded by **June 30, 2014**.

The parties shall also exchange, in accordance with the foregoing schedule, written statements identifying all opinion testimony counsel and the parties anticipate will be presented at trial pursuant to FED. R. EVID. 701 and *Teen-Ed v. Kimball International, Inc.*, 620 F.2d 399 (3d Cir. 1980).

8. Motions for class and collective certification shall be filed with the Clerk of the Court no later than **July 30, 2014**. Opposition to the motion should be served in a timely fashion. Counsel are to follow L. Civ. R. 7.1, 7.2, 56.1 and 78.1 (Motion Practice - Generally).

9. All other pretrial factual discovery shall be concluded by **October 30, 2014**. All discovery motions and applications pursuant to L. Civ. R. 37.1(a)(1) shall be made returnable before the expiration of pretrial factual discovery.

10. Any application for an extension of time beyond the deadlines set herein shall be made in writing to the undersigned and served upon all counsel prior to expiration of the period sought to be extended, and shall disclose in the application all such extensions previously obtained, the precise

reasons necessitating the application showing good cause under FED. R. Civ. P. 16(b), and whether adversary counsel agree with the application. The schedule set herein will not be extended unless good cause is shown.

**THE FAILURE OF A PARTY OR ATTORNEY TO OBEY THIS ORDER  
MAY RESULT IN THE IMPOSITION OF SANCTIONS UNDER FED. R. Civ. P.  
16(f).**

s/ Ann Marie Donio  
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ANN MARIE DONIO  
UNITED STATES MAGISTRATE JUDGE

cc: Hon. Renée Marie Bumb